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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050628
Party	Plaintiff Vesture Group, Inc.
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Submission	Motion to Amend Pleading/Amended Pleading
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Date	03/06/2009
Attachments	Petition draft 2.pdf (2 pages)(35559 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No. 1475976

Vesture Group, Inc., Petitioner

v.

Hamco, Inc., Respondent

Petitioner:

Vestures Group, Inc. with a business address of:

Respondent for Trademark Registration No. 147596:

To the best of Petitioner's knowledge, Hamco, Inc. with a business address of 16131 Hsw. 44 N.,
Prairieville, LA 70769.

1. The above identified petitioner believes that it will be damaged by the above identified registration and respectfully petitions to cancel Trademark Registration No. 147596.
2. Petitioner, Vesture Group, Inc. filed a United States Trademark Application (Section 1(b) , Intent to Use) for the Mark: Pinky Los Angeles, U.S. Serial No. 77201952 International Class 025: Apparel namely tank tops, cotton woven shirts, knit shirts, polo shirts, t-shirts, sweat shirts, crew neck shirt, sweatshirts, cotton jackets, leather jackets, denim jackets, outer jackets, hats, caps, visors, hoods, head bands, sweat bands, kerchiefs, scarves, bandannas, neckerchiefs, gloves, socks, shorts, pants and vests, men's, women's and children's underwear namely briefs, boxers, bikini underwear, one piece and two piece pajamas, nightgowns, nightshirts, skirts, dresses, overalls, short pants, capri pants, blouses and sweaters.
3. During examination for Petitioner's above referenced Trademark Application, the Trademark Examiner cited the Respondent's trademark registration No. 147596.
4. In addition, Petitioner has been using the Mark "Pinky Los Angeles" in interstate commerce since at least as early as January 15, 2008.

5. Respondent's listed attorney of record for the Trademark Registration No. 147596 is Neil J. Coig; Roy, Kiesel, Keegan & De Nicola; 2355 Drusilla Lane, Baton Rouge, LA 70809. Mr. Coig is also listed as the correspondent.
6. Petitioner, Vesture Group, Inc. believes that it would be damaged by the Trademark Registration No. 147596 and respectfully submits this Petition to cancel the Trademark Registration No. 147596 on the basis of Respondent's abandonment and non-use in commerce for more than five years.
7. Upon information and belief, Petitioner alleges that Respondent abandoned use of the Trademark Registration No. 147596 with the listed goods, and did so without the intention to resume use over at least a five year period.
8. Upon information and belief, Petition alleges that Respondent failed to continuously use the marks with the listed good in Trademark Registration No. 147596 for a period of more than five years.

As a result of the above, Petitioner respectfully requests that the Trademark Registration No. 147596 be canceled.